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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1681 OF 2003

Petitioner : Fakre Alam, S/o Sayyed Fakre Alam, aged about 56 years, Occupation-Dresser, Animal Hospital Baikunthpur, R/o Q.No. 9, Dabba Quarter, Near High School, Baikunthpur, Distt. Koria, CG. (CG)

Versus

Respondents :
1. State of Chhattisgarh through the Secretary, Department of Health, D.K.S. Bhawan, Raipur (C.G.)
2. Up Sanchalak, Pashu Chikitsa Sewayan, Baikunthpur, Distt. Koria (CG)
3. Pashu Chikkitsa Vistar Adhikari, Pashu Chikitsala6ya, Baikunthpur, Distt. Koria

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Shri A.K. Prasad, counsel for the petitioner.
Shri Pankaj Shrivastava, Panel Lawyer for State/respondents.

ORAL ORDER

(3rd February, 2006)

In this petition, the petitioner who was working as a Dresser in Veterinary Hospital, Baikunthpur, District Koria, Chhattisgarh has been transferred to Office of Veterinary Hospital, Manendragarh, District Koria, Chhattisgarh vide order dated 28.4.2003 (Annexure P-1)

2. The petitioner has filed this petition impugning the transfer order dated 28.4.2003 (Annexure-1). This Court by order dated 12.6.2003 granted stay of the impugned order. The said order dated 12.6.2003 was neither varied nor modified. Subsequently, the earlier impugned order was modified by the respondents and the petitioner was transferred to Veterinary Hospital, Gidam, District Dantewada by order dated 24.9.2003. Subsequent transfer order dated 24.9.2003 was also stayed by order dated 21.1.2004 of this Court. By virtue of orders dated 12.6.2003 and 21.1.2004, the petitioner continued at the old place of posting at veterinary Hospital, Baikunthpur. In view of the interim orders, final relief has already been granted to the petitioner. At this stage, it is not necessary to go into the validity of the impugned orders dated 24.8.2003 and 24.9.2003. It is for the employer to post an employee at a particular place in public interest and in administrative exigency. The employer cannot be restrained from not exercising his power of posting of the

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employees. Since the petitioner has got final relief, this petition has become infructuous.

3. It is expected that the respondent authorities will not insist upon compliance of the earlier transfer orders dated 28.4.2003 and 24.9.2003.

4. Accordingly, the petition is dismissed as having become infructuous. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya